

1 state judicial remedies, either on direct appeal or through collateral proceedings, by
 2 presenting the highest state court available with a fair opportunity to rule on the merits of
 3 each and every claim they seek to raise in federal court. See 28 U.S.C. § 2254(b), (c);
 4 Rose v. Lundy, 455 U.S. 509, 515-16 (1982); Duckworth v. Serrano, 454 U.S. 1, 3
 5 (1981); McNeeley v. Arave, 842 F.2d 230, 231 (9th Cir. 1988). The state's highest court
 6 must be given an opportunity to rule on the claims even if review is discretionary. See
 7 O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999) (petitioner must invoke "one complete
 8 round of the State's established appellate review process.").

9 The exhaustion-of-state-remedies doctrine reflects a policy of federal-state comity
 10 to give the state "the initial 'opportunity to pass upon and correct alleged violations of its
 11 prisoners' federal rights.'" Picard v. Connor, 404 U.S. 270, 275 (1971) (citations omitted).
 12 The exhaustion requirement is satisfied only if the federal claim (1) has been "fairly
 13 presented" to the state courts, see id.; Crotts v. Smith, 73 F.3d 861, 865 (9th Cir. 1996); or
 14 (2) no state remedy remains available, see Johnson v. Zenon, 88 F.3d 828, 829 (9th Cir.
 15 1996).

16 Upon review of the petition, Petitioner states that he did not present his claims to
 17 any state court prior to filing the instant petition. Accordingly, Petitioner shall file a
 18 response within **thirty days** of the date of this order addressing: (1) whether he has
 19 presented his claims to the state court in a state habeas petition, appeal, or other court
 20 proceeding; (2) whether there is a pending proceeding in the state court concerning his
 21 claims; and (3) whether he wishes to continue to prosecute this petition. Failure to file a
 22 timely response will result in the court dismissing the instant petition without prejudice
 23 for failure to exhaust state court remedies.

24 IT IS SO ORDERED.

25 DATED: 4/27/06

26 
 JEREMY FOGEL
 United States District Judge

1 This is to certify that a copy of this ruling was mailed to the following:

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3 Jesse Grant, III
4 AQY-327
5 Santa Rita Jail
6 5325 Broder Blvd.
7 Dublin, CA 94568
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